

### **REMARKS**

Independent claim 1 and dependent claims 9-10 remain in this application for examination.

#### **In the Drawings:**

Applicant proposes to amend the drawings as shown in Red in the attached copy of the drawings.

Applicant submits herewith proposed drawings to show a plurality of floating balls in the collection chamber as recited in original claim 10 and to show a receptacle 28 recited in the specification, at page 6, line 29.

#### **Claim Objections:**

Claim 1 has been amended by changing "sit" to -- site --.

#### **Information Disclosure Statement**

The Examiner states that it is improper to incorporate essential material in the specification by reference to an unpublished US application or patent or to a publication. Applicant respectfully submits that there is no statement that any of the subject matter of the Australian Patent 692,835 is incorporated by reference. It is merely referred to as the structure over which applicant provides an improvement. Accordingly since there is no incorporation by reference, no amendment is required.

#### **Specification**

Applicant has reduced the Abstract of the Disclosure by removing reference numerals therefrom. Applicant respectfully submits that the Abstract of the Disclosure initially contained 147 words, which is beneath the requirement of 150 words. The length has been further reduced by removing the bracketed numerals.

### **Claim Rejections – 35 USC §112**

The Examiner has rejected claim 1 under 35 USC §112, second paragraph, because the range was mistakenly left out of the claim. Claim 1 has now been amended to recite that the range varies between “0.005 for light pollution locations and 0.002 for heavy pollution locations”.

### **Claim Rejections – 35 USC §102**

Claims 1, 2, 3, 5, 8 and 9 have been rejected under 35 USC §102(b) as being unpatentable over Wade ‘551 (APA) which is the prior art over which the applicant distinguishes. Applicant respectfully traverses this rejection.

In order for a rejection to be sustainable under 35 USC §102 it is necessary that all of the limitations of the claims be shown in a single reference. This is clearly not the case with respect to Wade ‘835 which is applicant’s prior art (APA). Applicant recited in claim 1 that the collection chamber 14 has a diameter “which is an interval multiple other than one of the diameter of the T-piece inlet (16)”. This is clearly not the case with Wade ‘835 because the collection chamber 4 appears to have the same diameter as the corresponding T-piece inlet structure 6. Moreover, the pollution factor, which is determined on site, varies between 0.005 for light pollution locations and 0.002 for heavy pollution locations. There is no consideration of a pollution factor (PF) in Wade ‘835. The pollution factor determines the rainwater carrying capacity (DF) which is measured in liters and effects the selected diameter of the collection chamber 14.

Clearly, applicant’s claim 1 and disclosure including Figures 1 and 2, show that the collection chamber 14 has a diameter which is an integral multiple other than one of the T-piece inlet 17. Moreover, there is no consideration of pollution factors (PF) in setting the rainwater carrying capacity, i.e., volume of the collection chamber 14, as a function of pollution factors between 0.005 and 0.002. Accordingly, the rejection of independent claim 1 under 35 USC §102, and of claims 2, 3, 5, 8 and 9 which depend from claim 1, should be withdrawn.

### **Claims Rejections – 35 USC §103**

Claims 4 and 6 have been rejected under 35 USC §103(a) as being unpatentable over APA in view of Sill '613. Applicant respectfully traverses this rejection.

Whatever else Sill '613 teaches, Sill does not teach a collection chamber having a rainwater carrying capacity defined by the formula " $DF = RA \times PF \times 1,000$ " wherein PF is a pollution of factor of, the roof location determined on site and varying between 0.005 for light pollution locations and 0.002 for heavy pollution locations. Accordingly, that Sill teaches a rainwater supply system on a stand or has structure which the Examiner corresponds to a conical cap is immaterial because applicant's invention as claimed in claims 4 and 6 still patentably distinguishes over the combination of APA with Sill '613.

Clearly, Sill does not disclose a conical top rather, the top of Sill is more semi-spherical. The top of Sill does not have converging sides which direct a float 19 toward a seat 18 so as to shut off waterflow into the collection chamber 14 when the collection chamber is full. For at least these reasons, it is respectfully requested that the rejection of claims 4 and 6 under 35 USC §103(a) should be withdrawn.

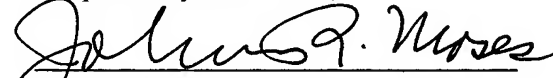
Claim 7 has been rejected under 35 USC §103(a) as being unpatentable over APA in view of Wallis '091. Applicant respectfully traverses this rejection.

Again, whatever else Wallis '091 teaches, Wallis '091 does not cure the deficiencies of APA as a reference against applicant's claims. This is because Wallis does not disclose a collection chamber having a diameter that is a multiple integral other than one, and does not teach the range of a pollution factors recited in claim 1. Moreover, there is no "T-shaped inlet" in Wallis '091.

Claim 10 has been rejected under 35 USC §103(a) as being unpatentable over as APA. Applicant respectfully traverses this rejection because claim 10 includes the same limitations as claim 1 and is therefore patentable for the same reasons on claim 1.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
John R. Moses, Reg. No. 24,983  
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO  
& BRANIGAN, P.C.  
Arlington Courthouse Plaza 1, Suite 1400  
2200 Clarendon Boulevard  
Arlington, Virginia 22201  
Telephone: (703) 243-6333  
Facsimile: (703) 243-6410  
Attorney Docket No.: CULLE-0014  
Date: May 8, 2006